

Practitioner's Docket No. U 014924-4

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Shlomo BEN-HAIM et al.

Serial No.: 10/043,663

Filed: January 11, 2002

Group No.: 3739

Examiner: Cohen, Lee S.

For: METHOD OF PACING A HEART USING IMPLANTABLE DEVICE

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

ATTENTION: GROUP DIRECTOR

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT AFTER  
MAILING DATE OF FINAL ACTION OR NOTICE OF ALLOWANCE  
BUT BEFORE PAYMENT OF ISSUE FEE (37 C.F.R. 1.97(d))

NOTE: 37 C.F.R. 1.97: "(d) An information disclosure statement shall be considered by the Office if filed by the applicant after the period specified in paragraph (c) of this section [i.e., after the mailing date of any final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application], provided that the information disclosure statement is filed on or before payment of the issue fee and is accompanied by:

- (1) The statement specified in paragraph (e) of this section; and
- (2) The fee set forth in § 1.17(p)."

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is **mandatory**;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. 1.8(a)

37 C.F.R. 1.10\*

- ☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee":  
Mailing Label No. \_\_\_\_\_ (mandatory)

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office. to (703) 872-9386

Signature

Clifford J. Mass

(type or print name of person certifying)

Date: March 9, 2005

Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

**NOTE:** *If the information disclosure statement that contains the items required by 37 C.F.R. 1.97(d) is filed before, or simultaneously with, the payment of the issue fee, then it will be considered. See Notice of April 20, 1992 (1138 O.G. 37-41, 40) and 37 C.F.R. 1.97(d).*

### **TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

1. The information disclosure statement transmitted herewith is being filed *after* a final action under § 1.113, or a notice of allowance under § 1.311, whichever occurs first, but before, or simultaneously with, the payment of the issue fee.

**WARNING:** *"A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.*

### **STATEMENT, PETITION AND FEE**

2. In accordance with the requirements of 37 C.F.R. 1.97(d):
  - A. Accompanying this transmittal is a statement, as specified in 37 C.F.R. 1.97(e).
  - B. Applicant hereby petitions for the consideration of the accompanying information disclosure statement. 37 C.F.R. 1.97(d)(2).
  - C. Applicant submits the petition fee set forth in § 1.17(p) (\$180.00).

**NOTE:** *"The petition should be directed to the Group Director of the examining group handling the application. The petition need do nothing more than request consideration of the information being submitted." Notice of April 20, 1992 (1138 O.G. 37-41, 40).*

### **FEE DUE**

3. Petition fee due (§ 1.17(p)): \$180.00

### **METHOD OF PAYMENT OF FEE**

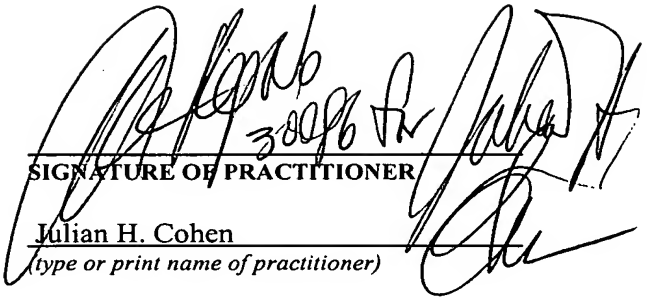
4.
  - ☒ Attached is a check for \$180.00.
  - ☐ Charge Account \_\_\_\_\_ \$180.00.A duplicate of this petition is attached.

If any additional petition fees are due, please charge Account 12-0425.

Reg. No. 20302

Tel. No. (212) 708-1887

Customer No.: 00140

  
SIGNATURE OF PRACTITIONER

Julian H. Cohen

(type or print name of practitioner)

\_\_\_\_\_  
P.O. Address

\_\_\_\_\_  
c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, N.Y. 10023

NOTE: "The time at which information 'was known to any individual designated in 37 C.F.R. 1.56(c)' is the time when the information was discovered in association with the application even if awareness of the materiality came later." Notice of April 20, 1992 (1138 O.G. 37-41, 40).

### IDENTIFICATION OF PERSON(S) MAKING THIS STATEMENT

3. The person making this statement is

*(check each applicable item)*

(a) ☐ the inventor(s) who signs below

\_\_\_\_\_  
SIGNATURE OF INVENTOR

\_\_\_\_\_  
*(type name of inventor who is signing)*

(b) ☐ a person who is substantively involved in the preparation or prosecution of the application, and who is associated with the inventor, with the assignee, or with anyone to whom there is an obligation to assign the application (37 C.F.R. Section 1.56(c)) and who signs below.

\_\_\_\_\_  
SIGNATURE OF PERSON MAKING STATEMENT

\_\_\_\_\_  
*(type name of person who is signing)*

\_\_\_\_\_  
Address of person who is signing

(c) ☒ the practitioner who signs below on the basis of the information:

*(check each applicable item)*

- ☐ supplied by the inventor(s).  
☒ supplied by an individual designated in Section 1.56(c)  
☒ in the practitioner's file.

\_\_\_\_\_  
SIGNATURE OF PRACTITIONER

\_\_\_\_\_  
Julian H. Cohen

\_\_\_\_\_  
*(type or print name of practitioner)*

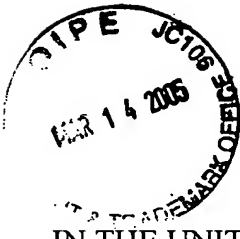
Reg. No. 20,302

Tel. No. (212) 708-1887

Customer No.: 00140

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P.O. Address

\_\_\_\_\_  
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Shlomo BEN-HAIM et al.

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Attorney Docket No.: U 014924-4

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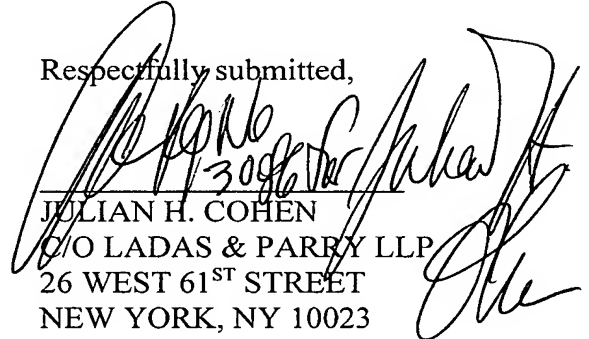
Sir:

**INFORMATION DISCLOSURE STATEMENT**

We draw the attention of the Examiner to the attached references which are also listed on the attached Form PTO-1449.

Respectfully submitted,

Reg. No. 20,302  
Tel. No. (212) 708-1887

  
JULIAN H. COHEN  
C/O LADAS & PARRY LLP  
26 WEST 61<sup>ST</sup> STREET  
NEW YORK, NY 10023

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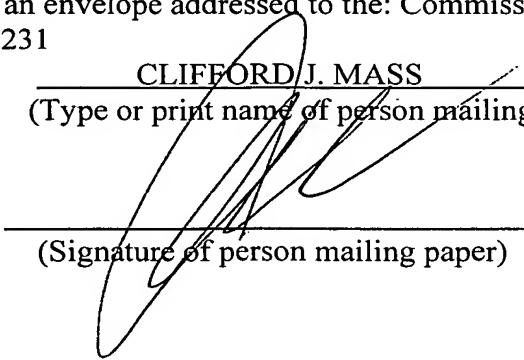
CERTIFICATE OF MAILING (37 CFR 1.8a)

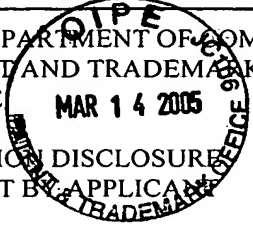
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231

Date: March 9, 2005

CLIFFORD J. MASS

(Type or print name of person mailing paper)

  
(Signature of person mailing paper)

FORM PTO-1449      U. S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (Use several sheets if necessary)				ATTY. DOCKET NO.		SERIAL NO.	
		U 014924-4		10/043,663			
		APPLICANT					
		FILING DATE		GROUP			
		January 11, 2002		3739			
U.S. PATENT DOCUMENTS							
EXAMINER INITIALS	REFERENCE DESIGNATION	DOCUMENT NUMBER	DATE	NAME		FILING DATE IF APPROPRIATE	
	AA	5,279,309	01/1994	Taylor et al.			
	AB	5, 558,091	09/1996	Acker et al.			
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY		TRANSLATION	
						YES	NO
	AL						
	AM						
	AN						
	AO						
	AP						
OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)							
	AR						
	AS						
	AT						
EXAMINER				DATE CONSIDERED			
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							